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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,871	08/01/2003	Naoshi Kobuya	SONYJP 3.0-319	4649
530	7590	09/22/2006	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			TO, TUAN C	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,871

Applicant(s)

KOBUYA ET AL.

Examiner

Tuan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,8,9,11-13 and 26-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,8,9,11-13 and 26-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2, 8, 11, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 20020184200A1) and in view of Ito (US 20010005809A1).

With respect to claim 2, Ueda et al. has been cited as teaching a mobile communication terminal (1) for communicating with content server (4) in order to generate guide contents from a particular searched area (Ueda et al., page 8, paragraph 0132; page 6, paragraph 0243). The communication means (13) of the mobile communication terminal (1) is described as an information acquisition means for acquiring combination of information on information source and location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, "the communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

Ueda et al. further teaches " preview customizing means for a user to preview and customize the guide contents on the basic of user information entered by the user; whereby the user can preview and customize said tour" (Ueda et al., figure 9).

Ito directs to a mobile terminal and a server for a navigation system including a plurality of image layers superimposed on each other, each image layer corresponding to an information source among the plurality of information source (Ito, figure 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings of Ito so that a tourist conveniently access the data or information related to a tour site. For example, the tourist can retrieve the location of sight seeing places, a restaurant, etc.

With respect to claims 8 and 27, Ueda et al. has been cited as teaching a mobile communication terminal (1) for communicating with content server (4) for generating guide contents from a particular searched area (Ueda et al., page 8, paragraph 0132; page 6, paragraph 0243). The communication means (13) of the mobile communication terminal (1) is described as an information acquisition means for acquiring combination of information on information source and location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, "the communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received

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from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

Ueda et al. further teaches “ preview customizing means for a user to preview and customize the guide contents on the basic of user information entered by the user; whereby the user can preview and customize said tour” (Ueda et al., figure 9).

Ito directs to a mobile terminal and a server for a navigation system including a plurality of image layers superimposed on each other, each image layer corresponding to an information source among the plurality of information source (Ito, figure 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings of Ito so that a tourist conveniently access the data or information related to a tour site. For example, the tourist can retrieve the location of sight seeing places, a restaurant, etc.

With respect to claims 11 and 28, Ueda et al. has been cited as teaching a mobile communication terminal (1) for communicating with content server (4) for generating guide contents from a particular searched area (Ueda et al., page 8, paragraph 0132; page 6, paragraph 0243). The communication means (13) of the mobile communication terminal (1) is described as an information acquisition means for acquiring combination of information on information source and location-based information (contents information) (Ueda et al., page 3, paragraph 0043; page 16, paragraph 0243; page 9, paragraph 0143). As set forth in page 4, paragraph 005, “the

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communication terminal (1) can perform a procedure for specifying the search-target area or data calculation relatively easily by specifying the range to be searched by the center position", thus, the communication terminal (1) inherently includes a means for narrowing down the data receiver from the content server (4). The mobile communication terminal (1) also includes a processing unit (10) that communicates with the communication means (13) for generating guide contents based on the information source and the location-based information, specifically the information based on the searched target area, received from the content server (4) (Ueda et al., figure 3; paragraphs 0053 and 0054). In addition, in figure 3, there is a display unit (17) represented as an output means for outputting the generated guide contents received from the server (4) (Ueda et al, page 8, paragraph 0132).

Ueda et al. further teaches " preview customizing means for a user to preview and customize the guide contents on the basic of user information entered by the user; whereby the user can preview and customize said tour" (Ueda et al., figure 9).

Ito directs to a mobile terminal and a server for a navigation system including a plurality of image layers superimposed on each other, each image layer corresponding to an information source among the plurality of information source (Ito, figure 7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings of Ito so that a tourist conveniently access the data or information related to a tour site. For example, the tourist can retrieve the location of sight seeing places, a restaurant, etc.

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Claims 3, 9, 12, 13, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 20020184200A1) and Ito (US 20010005809A1) as applied to claims 2, 8, 11, 27, and 28 herein, and in view of Muramatsu (US 6868337B2).

With respect to claims 3, 9, and 26, neither Ueda et al. nor Ito discloses the following: "guide contents generating means generates the guide contents using map data, the map data including positional information on a map for each site, said guide contents generating means laying out and displaying the site information on the map by matching the site positional information to the positional information on the map".

The reference to Muramatsu teaches a navigation including a mobile terminal which is described as a cellular phone (1), wherein said cellular phone issues a navigation request via the Internet (40) by which the navigation server (50) provides the navigation service. According to the present position of the cellular phone (latitude and longitude information), a map including the present position of said cellular phone to a prescribed shop or destination has been retrieved from database (80) (Muramatsu, column 4, lines 50-58). It should be noted that the processing unit (100) of the cellular phone inherently executes program instructions from a computer medium for the performance of laying out and displaying the prescribed shop's location and current location of said cellular phone on the map.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. and Ito to include the teachings of Muramatsu to gain advantage in saving memory of a mobile terminal. For example,

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only a limited area of a map is displayed and therefore to save memory space for the communication mobile terminal).

With regard to claim 12 and 13, Muramatsu teaches a navigation system including a display device that displays a site information on a map using an icon, for instant, the Shop Apple is displayed by the Icon 1 (Muramatsu, figure 10).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Response to Amendment

The applicant's request for continued examination has been fully considered, however, the application cannot be placed in a condition of allowance since the applied prior art still read on the limitations of the claims.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

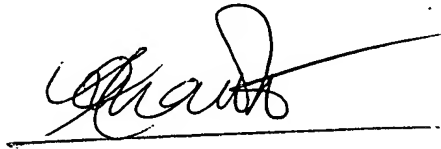
Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

September 15, 2006